

110TH CONGRESS
1ST SESSION

H. R. 4162

To provide for an exchange of lands with San Bernardino County, California, to enhance management of lands within the San Bernardino National Forest, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 13, 2007

Mr. LEWIS of California introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To provide for an exchange of lands with San Bernardino County, California, to enhance management of lands within the San Bernardino National Forest, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE AND PURPOSES.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “San Bernardino Biomass Use Facilitation Act”.

6 (b) PURPOSE.—The purpose of this Act is to facili-
7 tate an exchange of land between the Federal Government
8 and San Bernardino County, California, to make available

1 to the County land for biomass utilization facilities, bio-
 2 mass recycling activities, and industrial resource recovery
 3 and recycling activities.

4 **SEC. 2. LAND EXCHANGE, SAN BERNARDINO NATIONAL**
 5 **FOREST, CALIFORNIA.**

6 (a) DEFINITIONS.—In this section:

7 (1) COUNTY.—The term “County” means the
 8 County of San Bernardino, California.

9 (2) FEDERAL LAND.—The term “Federal land”
 10 means the land identified in subsection (c)(2), which
 11 is National Forest System land within the San
 12 Bernardino National Forest, California, available for
 13 exchange under this section.

14 (3) NON-FEDERAL LAND.—The term “non-Fed-
 15 eral land” means the land identified in subsection
 16 (c)(1), which is land owned by the County and avail-
 17 able for exchange under this section.

18 (4) SECRETARY.—The term “Secretary” means
 19 the Secretary of Agriculture.

20 (b) LAND EXCHANGE.—If the County conveys to the
 21 Secretary all right, title, and interest of the County in and
 22 to the non-Federal land described in subsection (c)(1), the
 23 Secretary shall convey and quitclaim to the County, in ex-
 24 change for such non-Federal land, all right, title, and in-
 25 terest of the United States in and to the Federal land de-

1 scribed in subsection (c)(2). The conveyance shall be made
2 without further environmental analysis and shall be sub-
3 ject to any valid existing rights and such additional terms,
4 conditions, and reservations as the Secretary may require.

5 (c) LANDS TO BE EXCHANGED.—

6 (1) NON-FEDERAL LAND.—The non-Federal
7 land to be exchanged are approximately 71 acres lo-
8 cated in section 36, Township 3 North, Range 1
9 East, San Bernardino Meridian, as described by the
10 County Assessor as parcel APN# 0447-071-11-
11 0000.

12 (2) FEDERAL LAND.—The Federal land to be
13 exchanged are approximately 53 acres located in sec-
14 tion 31, Township 3 North, Range 2 East, San
15 Bernardino Meridian.

16 (d) MAPS AND CORRECTION AUTHORITY.—The Fed-
17 eral land and non-Federal land are generally described on
18 maps entitled “Doble expansion—County of San
19 Bernardino” and dated June 10, 2005, which shall be on
20 file and available for public inspection in the Offices of
21 the Chief of the Forest Service and of the Supervisor of
22 San Bernardino National Forest until such time as the
23 lands are conveyed. The County and the Secretary may
24 by mutual agreement make adjustments in the descrip-

1 tions of the Federal land and non-Federal land to be ex-
2 changed.

3 (e) TIMING.—It is the intent of Congress that the
4 land exchange under this section be completed not later
5 than one year after the date of the enactment of this Act.

6 (f) VALUATION.—The Federal land and non-Federal
7 land shall be valued through an appraisal done in con-
8 formity with the Uniform Appraisal Standards for Federal
9 Land Acquisitions.

10 (g) EQUAL VALUE AND CASH EQUALIZATION.—

11 (1) EQUAL VALUE EXCHANGE.—The land ex-
12 change under this section shall be for equal value,
13 or the values shall be equalized by a cash payment
14 as provided for under this subsection.

15 (2) CASH EQUALIZATION PAYMENT.—The
16 County or the Secretary, as appropriate, may equal-
17 ize the values of the lands to be exchanged under
18 this section by cash payment without regard to any
19 statutory limit on the amount of such a cash equali-
20 zation payment.

21 (3) DEPOSIT AND USE OF FUNDS RECEIVED
22 FROM COUNTY.—Any cash equalization payment re-
23 ceived by the Secretary under this subsection shall
24 be deposited in the fund established under Public
25 Law 90–171 (16 U.S.C. 484a; commonly known as

1 the Sisk Act). The funds so deposited shall remain
2 available to the Secretary, until expended, for the
3 acquisition of lands, waters, and interests in land for
4 the San Bernardino National Forest.

5 (4) SOURCE OF FUNDS FOR PAYMENT BY SEC-
6 RETARY.—If the Secretary will make a cash equali-
7 zation payment to the County under this subsection,
8 the Secretary may use funds available from the
9 Land and Water Conservation Fund, the Act of
10 June 15, 1938 (Chapter 438; 52 Stat. 699, com-
11 monly known as the Receipts Act of 1938), or cap-
12 ital improvement funds.

13 (h) LAND TITLE AND SURVEY STANDARDS.—Title to
14 the non-Federal land shall conform with the title approval
15 standards of the Attorney General applicable to Federal
16 land acquisitions and shall otherwise be acceptable to the
17 Secretary. Before completing the exchange, the Secretary
18 shall inspect the non-Federal lands to assure that the land
19 meets Federal standards, including hazardous materials
20 and land line surveys.

21 (i) IMPLEMENTATION COSTS.—The costs of imple-
22 menting the land exchange under this section shall be
23 shared equally by the Secretary and the County, except
24 that with respect to the Federal land conveyed to the
25 County, the County shall also pay for the costs of survey,

1 monumenting the property lines, and recording deeds of
2 conveyance, as well as any costs incurred with the issuance
3 of easements by the Secretary for existing uses on the
4 Federal land.

5 (j) MANAGEMENT OF ACQUIRED LANDS.—The Sec-
6 retary shall manage the non-Federal land acquired under
7 this section in accordance with the Act of March 1, 1911
8 (16 U.S.C. 480 et seq.; commonly known as the Weeks
9 Act) and other laws and regulations pertaining to National
10 Forest System.

11 (k) PACIFIC CREST NATIONAL SCENIC TRAIL RELO-
12 CATION.—Before completing the land exchange under this
13 section, the Secretary shall relocate the portion of the Pa-
14 cific Crest National Scenic Trail located on the Federal
15 land to adjacent National Forest System land. The trail
16 relocation shall be conducted without further environ-
17 mental analysis.

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